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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/068,457 | TOWNSHEND, BRENT | |
| | Examiner | Art Unit | |
| | John L Sotomayor | 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 1/3/2005.
2. ☒ The allowed claim(s) is/are 1-13, 16-51 and 53-67.
3. ☒ The drawings filed on 06 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 8/6/03, 2/13/04, 4/8/02, 9/22/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JLS
4/7/05

Chanda L. Harris
CHANDA L. HARRIS
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lisa Schoedel on May 2, 2005.

The application has been amended as follows:

1. Cancel claim 52.
2. In claim 53, line 5, after the word "profile", insert "by adjusting the text"
3. In claim 61, line 6, after the word "profile", insert "by adjusting the text"
4. In claim 62, line 6, after the word "profile", insert "by adjusting the text"
5. In claim 63, line 7, after the word "profile", insert "by adjusting the text"

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or disclose a means for evaluating a user's reading skill by computing a score based on the output of a speech recognizer and at least one correct response determined from sample responses provided by sample speakers with a recommendation device operable to use the score to provide a recommendation of books to read (as shown in claims 8-13, 16-29, 64 and 65) in combination with the other limitations in the claims, or

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a means for evaluating a user's reading skill by computing a score based on the output of a speech recognizer and at least one correct response determined from sample responses provided by sample speakers where factors for comparison are selected from the group consisting of insertions, deletions, substitutions, pauses, stretching out letters, and stretching out sounds (as shown in claims 1-7, 30-41, 42-51,66 and 67) in combination with the other limitations of the claims, or

a system that adjusts an electronic book to match a user's reading level comprising a speech recognition system to provide an estimate of a user's speech, convert said estimate into a score, and using the score to adjust a difficulty level profile by adjusting the text of an electronic book while a user of the system is reading the electronic book (as shown in claims 53-63) in combination with the other limitations in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Sotomayor whose telephone number is 571-272-4456. The examiner can normally be reached on 6:30-4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Chanda L. Harris
CHANDA L. HARRIS
PRIMARY EXAMINER

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jls
May 2, 2005

Chanda L. Harris
CHANDA L. HARRIS
PRIMARY EXAMINER